

# FARMINGTON POLICE DEPARTMENT

## POLICY AND PROCEDURE



**Policy Number:**

242-02

**Effective Date:**

08/24/2016

**Subject:**

Use of Confidential Informants

**Approved by:**

A handwritten signature in black ink, appearing to read "S.D. Hebbe".

**Steven D. Hebbe, Chief of Police**



### PURPOSE:

To establish guidelines and standards for the utilization of confidential informants.

### POLICY:

It is the policy of the Farmington Police Department to utilize confidential informants to further criminal investigations and gather criminal intelligence. Accurate records pertaining to the utilization of confidential informants will be maintained. *FPD personnel in temporary duty status as a Region II Narcotics Task Force Agent shall follow the Region II Narcotics Task Force Policy.*

### PROCEDURE:

**Definition of Confidential Informant:** An individual who wishes to remain anonymous when providing information regarding criminal activities or other criminal intelligence, but through association with the Farmington Police Department or another law enforcement agency, has been established as a reliable source of information. Informants may be either paid or unpaid for the services and/or information they provide.

### MANAGEMENT OF CONFIDENTIAL INFORMANTS

#### **I. New Informants**

- A.** Any FPD Officer wishing to utilize a confidential informant must contact a Detective Division Supervisor for approval and assistance.
- B.** After establishing positive identification and ensuring that the prospective informant has not been previously issued a Confidential Informant (CI) number by the FPD Gang Unit, Detective Division, Region II Narcotics, or any other agency; the informant will be assigned a CI number by the Detective Supervisor.
  1. The CI number will be distinctive and assigned only to that informant.

2. If the new informant is already in the existing informant files (under an alias, for example) the Detective/Officer and Supervisor will determine the informant's intent and take appropriate action.

**C. The Detective/Officer will then complete the following steps:**

1. Conduct a background/criminal history check to determine suitability.
2. Obtain approval to utilize the informant from the Detective Supervisor.
3. Complete a Cooperative Agreement Package and determine an alias signature for the informant.
4. After completing the Cooperative Agreement Package, the informant will be referred to by his/her CI number on all documents, offense reports, intelligence reports, and ledgers; except for the Expenditure Receipt, which he/she will sign with their alias signature when receiving funds.

## **II. Developing Informant Reliability**

- A.** An informant will provide information leading to at least one arrest or seizure; or conduct at least one controlled purchase to establish reliability. This information will be documented on each informant's Reliability Record by the Detective Supervisor.

## **III. Operational Use of Confidential Informants**

- A.** The following guidelines will be used when conducting reliability, intelligence gathering, or controlled purchase of contraband operations:

1. An Operations Plan will be completed by a designated Detective and approved by a Detective Supervisor.
2. A briefing of all personnel involved in the operation will be conducted by the Detective in charge of the operation and/or Detective Supervisor.
3. Search the informant and his/her vehicle for money, contraband, and weapons prior to any operation. Ensure informant has only enough funds for the transaction.
4. Maintain visual surveillance of the informant at all times to and from the controlled purchase location.
5. Utilize a body transmitter or other recording device to document the conversation between the informant and the suspect, unless use of such a device is likely to place the informant in a harmful situation.
6. After completion of the operation, search the informant and vehicle for money, additional contraband, and weapons.
7. If the evidence obtained is narcotics, field test the contraband for the presence of controlled substances, preserve the contraband as evidence and submit it according to Department evidence policy.
8. Obtain a case number and submit the offense report per Departmental procedure regarding timelines for submitting reports. A hard copy of the offense narrative and evidence log will be placed in the informant file by the Detective Supervisor.
9. A minimum of four Detectives or other law enforcement personnel are required for any operation involving the use of an informant. Two will handle the informant, and

at least two for other operational assignments at the discretion of the Detective Supervisor.

- B.** Detectives/Officers will make every reasonable effort to confirm the content validity of the information received from informants through other independent sources.

#### **IV. Detective/Officer Responsibilities**

- A.** Informants are the resource of the Department, not of the individual Detective/Officer. However, the Detective/Officer who developed and recruited the informant should be used as the main point of contact for the informant unless otherwise directed by the Detective Supervisor.
- B.** Two Detectives/Officers will meet with all informants, regardless of age or sex.
- C.** Maintain accurate, complete records of conversations, agreements, and issues relating to informants. This can be accomplished via an Intelligence Report if official offense reports are not generated or required.
- D.** Never exchange information obtained from one informant with other informants.
- E.** Whenever possible, avoid allowing an informant to become a material witness.
- F.** Keep the District Attorney having jurisdiction apprised of issues related to the informant and their confidentiality.
- G.** Maintain control of your case and informant. Do not allow informants to influence the direction of your case. Advise your informant that they are not to engage in any criminal activity and if they do so, they could face prosecution and they will no longer be utilized as an informant per their Cooperative Agreement.
- H.** It is the responsibility of the Detective to ensure that their Ledger, Expenditure Receipt Book, and investigative funds are maintained in a safe and secure location.

#### **V. Informant Payments and Records**

- A.** Payment will be made in a manner and amount that is appropriate to:
- The location, scope, and nature of the investigation;
  - The value of the recovered evidence or intelligence;
  - The level of arrest or seizure; and
  - The past performance of the informant.
- B.** The following schedule may be used as a general guideline:
- \$50 for general criminal intelligence that can be corroborated.
  - \$100 for intelligence leading to a felony arrest or search warrant.
  - \$100 for purchase or seizure of evidence.
  - \$100-500 for intelligence leading to major case arrest or evidence leading to the furtherance or closure of a major case.
  - \$200 for the introduction of an undercover Law Enforcement Officer.
- C.** For each payment to an informant the Detective will:
1. Complete an Expenditure Receipt

2. Submit the completed Expenditure Receipt to the Supervisor. The Supervisor must approve and sign the Expenditure Receipt. Two (2) signed copies of the Expenditure Receipt will be returned to the Detective for placement into their case file and Ledger. The original Expenditure Receipt is placed into the informant file by the Supervisor.
3. The information from the Expenditure Receipt will be entered into the Confidential Informant Reliability Record by the Supervisor for each transaction resulting from an arrest or seizure.
4. The Supervisor will review the informant's reliability record monthly to ensure documentation is accurate.

**D. Informant Files**

1. The Informant File will contain the following information:
  - a. Cooperative Agreement Package
  - b. Confidential Informant Reliability Record.
  - c. Original completed Expenditure Receipts for each transaction.
  - d. Facial / Profile Photographs. Photographs of tattoos or other identifying features if applicable.
  - e. Probation/Parole written authorizations if applicable.
  - f. Plea agreements if applicable.
  - g. Interstate Identification Index.
  - h. Driver's License/ID card record.
  - i. Home and employment addresses and phone numbers. Photos of residence.
  - j. Vehicle registration record and photographs of vehicles.
  - k. Intelligence Reports documenting any past intelligence information received.
  - l. Intelligence or offense report narratives detailing the informant's involvement in operations.
  - m. Fingerprint cards.
  - n. If a controlled purchase was conducted, a printout of the itemized evidence list showing that the evidence purchased was logged in will also be placed in the file.

2. All informant files will be maintained by the Detective Supervisor in a secured manner.

**VI. Juvenile Informants:**

- A. Juvenile informants may be used for criminal intelligence gathering purposes and may be paid in accordance with this policy. Whenever possible, juveniles should not be used operationally. However, if the active use of a juvenile informant is absolutely necessary, based on the serious nature of the investigation, parental or guardian notification and written consent is mandatory.